

Court of Appeals, State of Michigan

ORDER

Neil Begin v Michigan Bell Telephone Co

Docket No. 280717

LC No. 06-000186

E. Thomas Fitzgerald
Presiding Judge

Mark J. Cavanagh

Pat M. Donofrio
Judges

In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the Court orders that the August 22, 2007, order of the Worker's Compensation Appellate Commission is VACATED with respect to the WCAC's affirmance of the magistrate's grant of plaintiff's request for a "nurse case manager" or a "case manager" on the basis of *Suliman v Ann Arbor Ceiling & Partition*, 2004 ACO #184. Contrary to the WCAC's statement in the August 22, 2007, opinion, *Suliman* did not explicitly address the relationship between the services a "nurse case" manager provides and whether those services constitute medical treatment. The issue resolved by the WCAC in *Suliman* was whether the defendant employer improperly terminated the plaintiff's benefits because the plaintiff failed to meet with the insurance carrier's case manager, and the WCAC agreed with the magistrate that the Act did not allow for termination of benefits on the basis of "claimant's non-cooperation with a case manager." Therefore, because the WCAC failed to address in its August 22, 2007, opinion Michigan Bell's statutory argument that MCL 418.315(1) does not obligate it to provide a "nurse care manager" or a "case manager" to coordinate plaintiff's medical treatment, the matter is REMANDED to the WCAC to specifically address this issue.

In all other respect, the application for leave to appeal is DENIED for lack of merit in the grounds presented.

The Court retains no further jurisdiction



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY - 1 2008

Date

Sandra Schultz Mengel
Chief Clerk